

DIRECTIVE

JOB TRAINING PARTNERSHIP ACT

Number: D98-11

Date: December 22, 1998
69-1:92:js

TO: SERVICE DELIVERY AREA ADMINISTRATORS
PRIVATE INDUSTRY COUNCIL CHAIRPERSONS
JTPD PROGRAM OPERATORS
EDD JOB SERVICE OFFICE MANAGERS
JTPD STAFF

SUBJECT: CONFIDENTIAL INFORMATION

EXECUTIVE SUMMARY:

Purpose:

This directive provides policy relating to the security of confidential information obtained from any state or county agency and used for operating local Job Training Partnership Act (JTPA) programs. It also provides instructions for requesting Employment Development Department (EDD) information for the purpose of JTPA program operation.

Scope:

This directive applies to all programs funded under JTPA and must be implemented by the subrecipients of these funds.

Effective Date:

This directive is effective immediately.

REFERENCES:

- Section 7 of the Privacy Act of 1974 (5 U.S.C. sec 552a)
- California Civil Code Section et seq.
- California Penal Code Section 502
- California Unemployment Insurance 1798 (UI) Code Sections 1094, 1095, 2111, 15076, and 15077
- EDD Information Practices Handbook Sections 10-2300 through 10-2315 and 10-2350 (cont. 8b)
- EDD Field Operations Directive (FOD) 98-62A

STATE-IMPOSED REQUIREMENTS:

This directive contains some state-imposed requirements. These requirements are indicated by ***bold, italic*** type.

FILING INSTRUCTIONS:

This directive finalizes Draft Directive DD-8, issued for comment on November 17, 1998. Retain this directive until further notice.

BACKGROUND:

The federal Privacy Act of 1974 and related state law and regulations require the proper disclosure of individually identifiable records. All state and county information is confidential when it identifies an individual or an employing unit. Confidential information requires special precautions to protect it from loss, unauthorized use, access, disclosure, modification, and destruction.

Subrecipients use EDD confidential information to determine Title II and Title III program eligibility and to evaluate JTPA programs at the local level. The EDD is responsible for providing this information. However, before releasing confidential information, EDD must ensure that JTPA subrecipients, and their employees and subcontractors with authorized access to this information, are aware of and comply with the requirements established by law and Department policy.

POLICY AND PROCEDURES:

Confidentiality requirements, as defined in the General Provisions of Program Year (PY) 1998-99 JTPA Master Subgrant Agreements and all subsequent JTPA contracts, are as follows:

The State of California (State) and the Subgrantee will exchange various kinds of information pursuant to this agreement. That information will include data, applications, program files, and databases. These data and information are confidential when they define an individual or an employing unit. Confidential information requires special precautions to protect it from unauthorized use, access, disclosure, modification, and destruction. The sources of information may include, but are not limited to, the Employment Development Department, the California Department of Social Services, the California Department of Education, the County Welfare Department(s), the County IV-D Directors Office of Child Support, the Office of the District Attorney, the California Department of Mental Health, the California Office of Community Colleges, and the Department of Alcohol and Drug Programs.

The Subgrantor and Subgrantee agree that:

- a. Each party shall keep all information that is exchanged between them in the strictest confidence and make such information available to their own employees only on a "need-to-know" basis.***
- b. Each party shall provide written instructions to all of its employees with access to information provided by the other party of the confidential nature of the information and of the penalties for unauthorized use or disclosure***

found in section 1798.55 of the Civil Code, section 502 of the Penal Code, section 2111 of the Unemployment Insurance Code, section 10850 of the Welfare and Institutions Code and other applicable local, State and federal laws.

- c. Each party shall (where appropriate) store and process information in an electronic format, in such a way that unauthorized persons cannot reasonably retrieve the information by computer, remote terminal, or other means.***
- d. Each party shall promptly return to the other party confidential information when its use ends or destroy the confidential information utilizing an approved method of destroying confidential information by shredding, burning, or certified or witnessed destruction. Magnetic media are to be degaussed or returned to the other party.***
- e. If the Subgrantor or Subgrantee enters into an agreement with a third party to provide Job Training Partnership Act services, the Subgrantor or Subgrantee agrees to include these data and security and confidentiality requirements in the agreement with that third party. In no event shall said information be disclosed to any individual outside of that third party's authorized staff, subcontractor(s), service providers, or employees.***
- f. Each party shall designate an employee who shall be responsible for overall security and confidentiality of its data and information systems and, each party shall notify the other of any changes in that designation.***

A signed JTPA agreement/contract on file with JTPD constitutes your commitment to uphold these confidentiality requirements.

METHODS OF REQUESTING EDD INFORMATION

Structural changes in the local EDD, such as increasing one-stop collocations and the consolidation of UI operations into regional centers, require a system for requesting and receiving confidential information that will meet local needs and maintain local flexibility. The SDAs may obtain EDD information for JTPA eligibility determination in the following ways:

Title II

- The client may telephone a UI call center and request his/her EDD information. The call center will process the request and mail information to the client. The EDD absorbs associated costs.
- Abstract Request Process (ABS): The subrecipient/service provider completes a DE 8720 or DE 8720A according to instructions (Attachments 3, 4, and 5) and mails to the Inventory Control Unit address listed on each form. The requests are processed by EDD on Tuesdays and Thursdays. The completed requests are mailed by EDD on Wednesdays and Fridays. The EDD absorbs associated costs.

Title III

- The same procedures as described for Title II, or
- The subrecipient/service provider mails or faxes a list of names and social security numbers (or uses a previously approved form) to the UI call center. The request must be on letterhead with an authorized signature. Once the call center has validated the requestor, the call center processes the request and mails or faxes Pay Input <PF4> screen prints (or completed request form) to the requestor. The EDD absorbs associated costs.
- The subrecipient/service provider directly requests eligibility information using signed memorandums of understanding (MOU) between the subrecipient and the Job Service Division (JSD) site management. Title III MOUs between the subrecipient and JSD must include the following specific language regarding access to UI information: "EDD will access the automated system and provide the required unemployment insurance claim records information to the service provider." The required language, approved by the Central Office UI Division, is provided to local Job Service managers by the Central Office JSD.

Requests for Information other than what is used for Eligibility Determination

On agency letterhead, the subrecipient/service provider requests the information and describes the business need for that information directly to the JTPD Information Officer. The subrecipient/service provider is responsible for processing costs and will be billed by the processor.

In order to request EDD information using the ABS process, your agency must have an assigned customer/requestor code. This customer code will identify your agency as the requestor and identify the staff person to whom requested data will be mailed. Your customer code must be used on all information request forms.

To obtain your customer code:

- ***Return your signed PY 1998-99 Master Subgrant Agreements to JTPD.***
- ***Provide JTPD's Information Officer the name, address, and phone number of the individual you have designated responsible for receiving EDD information and for information security within your agency (Attachment 1).***

The JTPD Information Officer will mail your customer code to the person you have designated. He or she will be the first point of contact for information and/or security issues. Additionally, all requested EDD information will be mailed directly to this person.

Optional: If more than one staff person/subcontractor is authorized to request EDD information, it may be helpful to assign individual preparer codes. This will assist your

information security designee with internal distribution of the data. There are spaces available on the DE 8720/8720A for entering this code.

ACTION:

- Bring this directive to the attention of all affected staff and service providers.
- Submit your signed PY 1998-99 Master Subgrant Agreements.
- Attachments 3 and 4 are used for requesting EDD information through the ABS process. If desired, you may create your own forms incorporating the elements on DE 8720/8720A. Follow the completion instructions outlined on Attachment 5. The JTPD's Information Officer will provide another set of these forms with your customer code pre-entered. You may use these forms as masters or request that additional forms be mailed to you.
- Designate an employee who will be responsible for your information security and for receiving requested EDD information. If you have not provided this information with your signed subgrant, use Attachment 1 to fax the name, address and phone number of your designee to: Janet Supriano, JTPD Information Officer, at 916-653-2467 or 916-657-0055. Please notify Ms. Supriano of any changes in designee information.
- ***Provide written instructions to all staff and service provider employees with access to state or county confidential information that this information is protected by law and that there are penalties for unauthorized use. If desired, Attachment 2 may be used as the written instructions.***

INQUIRIES:

You may address questions concerning this directive to Janet Supriano at (916) 657-3545.

/S/ BILL BURKE

Assistant Deputy Director

Attachments available on Internet:

1. Designation of Information Security Staff
2. Confidentiality Statement
3. DE 8720 Request for Wage, Claim and Address Information
4. DE 8720A Request for Wage Information

Attachments 3 and 4 are also available as Microsoft Word (v. Office 97) fill-in forms in the Resource Information Center, Reference Documents.

DESIGNATION OF INFORMATION SECURITY STAFF

The undersigned staff is designated responsible for receiving EDD information and for maintaining the confidentiality and security of all state/county confidential information obtained for the operation of JTPA programs:

Name	Please print	Title	
Address	Address where EDD information is to be mailed.		
Phone Number		Fax Number	
Designee Signature			Date

SDA Name	
Authorized Signature	

FAX THIS COMPLETED FORM TO:

Janet Supriano, JTPD Information Officer
 FAX (916) 653-2467 or (916) 657-0055

If you prefer, mail this form to:

Job Training Partnership Division
 Attn: Janet Supriano
 P.O. Box 826880, MIC 69-1
 Sacramento, CA 94280-0001

Your customer code will be mailed to the designee listed above.

CONFIDENTIALITY STATEMENT

All state or county information is confidential when it identifies an individual or an employing unit. Confidential information provided to your agency by any state or county entity is protected by law, regulation, and policy. Information security is strictly enforced. If you violate these provisions, you may be subject to disciplinary, civil, and/or criminal action. Protecting confidential information is in the public interest, the state's interest, and your own personal interest.

You agree to protect the following types of information:

- Claimant information
- Applicant information
- Employer information
- Information about how automated systems operate
- How your agency safeguards its information
- Any other proprietary information

You agree to protect confidential information by:

- Accessing or modifying information only for the purpose of performing official duties.
- Never accessing information for curiosity or personal reasons.
- Never showing or discussing confidential information to or with anyone who does not have the need to know.
- Placing confidential information only in approved locations.
- Never removing confidential information from your work site without authorization.

You have a responsibility to know whether information is protected. If you have any questions regarding whether particular information is confidential, check with your department's/agency's Information Security Officer.

Unauthorized access, use, modification, or disclosure of confidential information is a crime under state and federal laws, including but not limited to Section 1798.55 of the California Civil Code, Section 502 of the California Penal Code, and Section 2111 of the California UI Code. The penalties for unauthorized access, use, modification, or disclosure may include any or all of the following:

- Salary reduction and/or demotion
- Loss of employment
- Criminal action
- Civil action

You are reminded that these guidelines are designed to protect everyone's right to privacy, including your own.



REQUEST FOR WAGE, CLAIM AND ADDRESS INFORMATION

4b

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 PREPARER CODE

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COMPLETION INSTRUCTIONS

GENERAL INFORMATION

You may duplicate this form, or order additional copies by writing to:

EDD FORMS & SUPPLY WAREHOUSE
1733W Sports Drive, Suite A
SACRAMENTO, CA 95834

The DE 8720 is a key entry document used to request information from the Employment Development Department (EDD). Please abide by the following when preparing your requests:

Please complete the form carefully, completely, and legibly.

Complete items **2** through **4a.** in order for EDD to track your request. Items **5** and **6** must be completed according to the instructions below.

INSTRUCTIONS FOR COMPLETING; REQUEST FOR WAGE, CLAIM AND ADDRESS INFORMATION, DE 8720 Rev. 4 (6-95) BY ITEM NUMBER:

- 1. SEND REQUEST TO:** This preprinted item requires no customer action.
- 2. NAME & ADDRESS OF REQUESTING ORGANIZATION:** Enter the complete name of your organization, followed by the street address (or P.O. Box), city, state, and ZIP code.
- 3a. PREPARED BY:** Print your name.
- 3b. PREPARER'S TELEPHONE NUMBER:** Enter your telephone number.
- 3c. DATE:** Enter the date you are preparing this request.
- 4a. CUSTOMER CODE:** This item contains the six character code that was contractually assigned to your organization by EDD. This code is used by EDD to track and distribute requested products.
- 4b. PREPARER CODE:** This item is optional and for your internal use. The four boxes may contain any combination of numeric and/or alphabetic characters to assist in distributing products throughout your organization (back to the "PREPARER").
- 5. REQUESTED PRODUCTS:** (Items **5a.** thru **5i.**):
 - One or more products may be selected by entering an "**X**" in the box next to the associated product.
 - At least one product must be requested.
 - If a product is not wanted, leave its associated box blank.
 - All requested products will be produced, for all corresponding Social Security Account (SSA) numbers entered in item **6**.
 - When the customer has contracted to receive the requested product.
 - If the requested product is available.
- 6. SSA NUMBERS:** Enter one or more SSA numbers. For each SSA number entered, all available and authorized products will be produced.



State of California



REQUEST FOR WAGE INFORMATION

1. SEND REQUEST TO: STATE OF CALIFORNIA EMPLOYMENT DEVELOPMENT DEPARTMENT P.O. BOX 826880 SACRAMENTO, CA 94280-0001 ATTN: INVENTORY CONTROL UNIT II, MIC 23-A	2. NAME & ADDRESS OF REQUESTING ORGANIZATION: 	
3a. PREPARED BY: 	3b. PREPARER'S TELEPHONE NUMBER: ()	3c. DATE:

4a. CUSTOMER CODE4b. PREPARER CODE

5. WAGE QUARTER REQUESTS

6. WAGE QUARTER REQUESTS

7. WAGE QUARTER REQUESTS

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5a. 6a. 7a.

5b. S S A N U M B E R S

6b. S S A N U M B E R S

7b. S S A N U M B E R S

(COMPLETION INSTRUCTIONS ON BACK)

COMPLETION INSTRUCTIONS

GENERAL INFORMATION

You may duplicate this form, or order additional copies by writing to:

EDD FORMS & SUPPLY WAREHOUSE
1733W SPORTS DRIVE, SUITE A
SACRAMENTO, CA 95834

The DE 8720A is a key entry document used to request information from the Employment Development Department (EDD). Please abide by the following when preparing your requests:

Please complete the form carefully, completely, and legibly.

Complete Items **2** through **4a** in order for EDD to track your request. One or more of Items **5**, and **6**, and/or **7** must be completed according to the instructions below.

INSTRUCTIONS FOR COMPLETING; REQUEST FOR WAGE INFORMATION, DE 8720A (6-95) BY ITEM NUMBER:

- 1. SEND REQUEST TO:** This preprinted item requires no customer action.
- 2. NAME & ADDRESS OF REQUESTING ORGANIZATION:** Enter the complete name of your organization, followed by the street address (or P.O. Box), city, state, and ZIP code.
- 3a. PREPARED BY:** Print your name.
- 3b. PREPARER'S TELEPHONE NUMBER:** Enter your telephone number.
- 3c. DATE:** Enter the date you prepare this request.
- 4a. CUSTOMER CODE:** This item contains the six character code that was contractually assigned to your organization by EDD. This code is used by EDD to track and distribute requested products.
- 4b. PREPARER CODE:** This item is optional and for your internal use. The four boxes may contain any combination of numeric and/or alphabetic characters to assist in distributing products throughout your organization (back to the "PREPARER").
- 5. WAGE QUARTER REQUESTS:** Current and/or archived earned wage data may be requested by entering a FROM/TO calendar date range, each of which consists of two digit century (CC), followed by a two digit year (YY), followed by a numerical quarter (Q) indicator. Valid quarter indicators are:

"1" = JAN/FEB/MAR	"3" = JUL/AUG/SEP
"2" = APR/MAY/JUN	"4" = OCT/NOV/DEC
- 5a. FROM CCYYQ:** Enter the starting year and quarter, for which earned wage data is being requested.
TO CCYYQ: Enter the ending year and quarter, for which earned wage data is being requested. When only one quarter of wage data is needed, the TO CCYYQ should be the same as the FROM CCYYQ.
- 5b. SSA NUMBERS:** Enter the SSA numbers of those individuals for which wage data is being requested.
- 6. WAGE QUARTER REQUESTS:** Completion rules for Items **6a** and **6b** are the same as for Items **5a** and **5b**. **6a** and **6b** allows the PREPARER to request earned wage data for different quarters, for the same/different SSA numbers than those entered in Items **5a** and **5b**.
- 7. WAGE QUARTER REQUESTS:** Completion rules for Items **7a** and **7b** are the same as for Items **5a** and **5b**. **7a** and **7b** allows the PREPARER to request earned wage data for different quarters, for the same/different SSA numbers than those entered in Items **5a**, **5b**, **6a**, and **6b**.